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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/474,935 | 12/30/1999 | Ilya Umansky | 14013-32CIP | 2956 |
| 27728 | 7590 | 01/11/2005 | EXAMINER | |
| LAW OFFICES OF IMAM 111 N. MARKET STREET, SUITE 1010 SAN JOSE, CA 95113 | | | TRAN, PHUC H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2666 | |

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/474,935 | Applicant(s) UMANSKY, ILYA | |
| | Examiner PHUC H TRAN | Art Unit 2666 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the applicant's response filed 07/08/04. Claims 1-18 are pending in the application. Detailed action is followed:

Claim Objections

2. Claims 1 is objected to because of the following informalities: "upon failure to successfully transmit all of the pages of the fax document to the recipient fax machine, transmitting failed fax pages, defined by those fax pages of the fax document that failed to be successfully transmitted to the recipient fax machine, in the form of a secondary email message, comprising secondary email packets, to the mail server for future retransmission of the failed faxed pages to the recipient fax machine." is not clearly taught how to do with failed fax pages. Appropriate correction is required.

Claim 7 & 18 are objected to because of the following informalities: "transmitting one or more of the first email message packets to the mail server for future re-transmission thereof to the recipient fax machine." is not clear how the first email message packets that is for the future re-transmission when the first email message packets fails to success transmit as claim invention. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: "converting the failed fax pages into secondary email packets for re-transmission thereof to the recipient fax machine" how the secondary email packets can be retransmission to the recipient fax machine when the secondary email packets is the failed fax pages. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield (U.S. Patent No. 6023345) in view of Eguchi (U.S. Patent No. 6219150 B1).

- With respect to claims 1, 3-4, 15, & 17-18, Bloomfield teaches an email/fax communication system for use in a packet switching network environment (Fig. 1) including a mail server (112 in Fig. 1) for storing email messages (210 in Fig. 3) for transmission thereof, in the form of a fax document, to one or more recipient fax machines (102 in Fig. 1), comprising:

a router for receiving a first email message, in the form of packets, from the mail server (104 in Fig. 1),

for converting the first email message packets to original fax pages of a fax document (col. 7, lines 20-27),

for transmitting a first fax pages to a recipient fax machine (107 in Fig. 1) and upon failure to successfully transmit at least one of the first fax pages of the fax document to the recipient fax machine (940 and 942 in Fig. 9),

transmitting one or more of the first email message packets to a destination other than the recipient fax machine (e.g. Fig. 7 shows).

Bloomfield fails to teach the defining steps of failed fax pages in the system. Eguchi teaches the step of detecting error in transmitting fax pages to recipient (col. 4, lines 3-13). The

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detecting error in transmission fax can be implement into Bloomfield's system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of detecting error for monitoring and protecting the data in the communication system.

- With respect to claims 2, & 5-6, Bloomfield also teaches wherein the first email message includes first envelope information, in the form of packets, having a destination field for identifying the recipient fax machine (e.g. Figs. 4 & 5 show).

- With respect to claims 7, 9 & 16, Bloomfield teaches wherein the first/secondary envelope information includes a source field for identifying the source of the first email message and a header field for identifying subject matter of the first email message (e.g. Fig. 4 & 5 and col. 8, lines 30-67).

- With respect to claims 8 & 10, Bloomfield discloses wherein the destination field of the first envelope information is a "To:" field (e.g. 283 in Fig. 4).

- With respect to claims 13 & 14, Bloomfield teaches wherein the router further for storing a particular fax page therein until the particular fax page is successfully transmitted to the recipient fax machine (e.g. the E-Mail server 112 receives email from the network 116 and stores in memory 140 to transmit to the fax devices).

Response to Arguments

5. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
December 11, 2004

